

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

FILED
APR 11 2017
SUSAN Y. SOON
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

CR 17 0180

RS

APRIL MYRES, and
ANTOINE FOWLER,

DEFENDANT(S).

INDICTMENT

18 U.S.C. § 1341 – Mail Fraud;
18 U.S.C. § 1343 – Wire Fraud;
18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm;
18 U.S.C. § 4 – Misprision of Felony;
18 U.S.C. §§ 924(d)(1), 981(a)(1)(C), and
28 U.S.C. § 2461(c) – Criminal Forfeiture

A true bill.

Foreman

Filed in open court this 11th day of

April
Ada Means
Clerk

Bail, \$ **NO PROCESS**

Jacqueline Scott Corley
Jacqueline Scott Corley
United States Magistrate Judge

CR 17-180 RS

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED
 COUNT 1: Mail Fraud, in violation of 18 USC 1341 ☐ Petty
 COUNT 2: Wire Fraud, in violation of 18 USC 1343 ☐ Minor
 COUNT 4: Misprision of Felony, in violation of 18 USC 4 ☐ Misdemeanor
☒ Felony
 PENALTY: MAXIMUM FOR COUNTS 1 & 2: 20 years imprisonment; 5 years supervised release; \$250,000 fine, or if greater, twice gross gain or loss; and \$100 special assessment
 MAXIMUM FOR COUNT 4: 3 years imprisonment; 1 year supervised release; \$250,000 fine, or if greater, twice gross gain or loss; and \$100 special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.

▶ APRIL DIANE MYRES

DISTRICT COURT NUMBER

CR 17 0180**DEFENDANT****IS NOT IN CUSTODY**
 1) ☐ Has not been arrested, pending outcome this proceeding.
☐ If not detained give date any prior summons was served on above charges
2) ☐ Is a Fugitive3) ☒ Is on Bail or Release from (show District)

Northern District of California

IS IN CUSTODY4) ☐ On this charge5) ☐ On another conviction6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District
☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:
☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

3:17-70071

Name and Office of Person

Furnishing Information on this form BRIAN J. STRETCH

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S. Attorney (if assigned)

AUSA Jeffrey Shih

ADDITIONAL INFORMATION OR COMMENTS**PROCESS:**☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

Bail Amount: _____

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT
 BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING
OFFENSE CHARGED

COUNT 3: Possession of a Firearm by a Convicted Felon, in violation of 18 USC 922(g)(1)

- ☐
- Petty
-
- ☐
- Minor
-
- ☐
- Misdemeanor
-
- ☒
- Felony

PENALTY: MAXIMUM FOR COUNT 3: 10 years imprisonment; 3 years supervised release; \$250,000 fine, or if greater, twice gross gain or loss; and \$100 special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEFENDANT - U.S.▶ ANTOINE LAMAR FOWLER **RS**

DISTRICT COURT NUMBER

CR 17 0180**PROCEEDING**

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

3:17-70143

Name and Office of Person

Furnishing Information on this form BRIAN J. STRETCH☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

AUSA Jeffrey Shih**IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☐ If not detained give date any prior summons was served on above charges ▶2) ☐ Is a Fugitive3) ☒ Is on Bail or Release from (show District)Northern District of California**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

 Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST ▶

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY ▶

Month/Day/Year

☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

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Date/Time: _____ Before Judge: _____

Comments:

BRIAN J. STRETCH (CABN 163973)
United States Attorney

FILED
APR 11 2017
SUSAN Y. SOONG
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RS

SAN FRANCISCO DIVISION

CR 17 0180

UNITED STATES OF AMERICA,

Plaintiff,

v.

APRIL MYRES, and
ANTOINE FOWLER,

Defendants.

CASE NO. --

VIOLATIONS: 18 U.S.C. § 1341 – Mail Fraud; 18
U.S.C. § 1343 – Wire Fraud; 18 U.S.C. § 922(g)(1) –
Felon in Possession of a Firearm; 18 U.S.C. § 4 –
Misprision of Felony; 18 U.S.C. §§ 924(d)(1),
981(a)(1)(C), and 28 U.S.C. § 2461(c) – Criminal
Forfeiture

INDICTMENT

The Grand Jury charges:

INTRODUCTORY ALLEGATIONS

At times relevant to this Indictment:

1. Defendant APRIL MYRES was employed by the San Francisco Sheriff's Department and resided in San Francisco, within the Northern District of California.

2. Defendant ANTOINE FOWLER was convicted of a crime punishable by a term of imprisonment exceeding one year who had been incarcerated at the San Francisco County Jail, where FOWLER had met MYRES.

SCHEME TO DEFRAUD

3. Beginning at an unknown date, and continuing through a date unknown, but at least May 2016, MYRES devised, engaged, and participated in a material scheme and plan, to defraud Farmers Insurance and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises in connection with MYRES's claims of theft, vandalism, and missing property at her residence in San Francisco (the "MYRES Residence").

MANNER AND MEANS OF THE SCHEME TO DEFRAUD

4. MYRES engaged in the conspiracy and scheme alleged in this Indictment by and through the following manner and means, among others:

a. MYRES caused the MYRES Residence to appear burglarized on or about March 25, 2016.

b. MYRES made false and fraudulent statements and representations to the San Francisco Police Department, the San Francisco Sheriff's Department, the Federal Bureau of Investigation, and Farmers Insurance about the purported burglary at the MYRES Residence.

c. MYRES falsely and fraudulently claimed that her Sheriff's Department-issued firearm, specifically one Glock 17 9mm pistol, bearing serial number BMP254US, was stolen from the MYRES Residence on or about March 25, 2016.

COUNT ONE: (18 U.S.C. § 1341 – Mail Fraud)

5. The factual allegations in paragraphs 1 through 4 are re-alleged and incorporated as if fully set forth herein.

6. On or about May 4, 2016, in the Northern District of California and elsewhere, the defendant,

APRIL MYRES,

for the purpose of executing a scheme and artifice to defraud Farmers Insurance as to a material matter, and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises, and by omission and concealment of material facts, did knowingly deposit and cause to be deposited the mail matter specified below to be sent and delivered by the United States Postal Service, and did knowingly cause to be delivered by such carrier according to the direction thereon, an envelope

1 containing insurance claim documentation addressed to Farmers Insurance in Oklahoma City,
2 Oklahoma.

3 All in violation of Title 18, United States Code, Section 1341.

4 COUNT TWO: (18 U.S.C. § 1343 – Wire Fraud)

5 7. The factual allegations in paragraphs 1 through 4 are re-alleged and incorporated as if
6 fully set forth herein.

7 8. On or about May 14, 2016, in the Northern District of California and elsewhere, the
8 defendant,

9 APRIL MYRES,

10 for the purpose of executing a scheme and artifice to defraud Farmers Insurance as to a material matter,
11 and to obtain money and property by means of materially false and fraudulent pretenses, representations,
12 and promises, and by omission and concealment of material facts, did knowingly transmit and cause to
13 be transmitted the following wire communications in interstate commerce: a facsimile transmission
14 containing insurance claim documentation addressed to Farmers Insurance in Oklahoma City,
15 Oklahoma.

16 All in violation of Title 18, United States Code, Section 1343.

17 COUNT THREE: (18 U.S.C. § 922(g)(1) – Felon in Possession of a Firearm)

18 9. Beginning at an unknown date, and continuing through on or about February 2, 2017, in
19 the Northern District of California, the defendant,

20 ANTOINE FOWLER,

21 having been previously convicted of a crime punishable by a term of imprisonment exceeding one year,
22 knowingly possessed a firearm, specifically one Glock 17 9mm pistol, bearing serial number
23 BMP254US, in and affecting interstate commerce.

24 All in violation of Title 18, United States Code, Section 922(g)(1).

25 COUNT FOUR: (18 U.S.C. § 4 – Misprision of Felony)

26 10. Beginning at an unknown date, and continuing through on or about February 2, 2017, in
27 the Northern District of California, the defendant,

28 APRIL MYRES,

1 having knowledge of the actual commission of a felony cognizable by a court of the United States, to
 2 wit, the possession of a firearm, specifically one Glock 17 9mm pistol, bearing serial number
 3 BMP254US, in and affecting interstate commerce, by Antoine Fowler, who had been previously
 4 convicted of a crime punishable by a term of imprisonment exceeding one year, did conceal the same by
 5 making false and fraudulent statements to the San Francisco Police Department, the San Francisco
 6 Sheriff's Department, the Federal Bureau of Investigation, and Farmers Insurance about a purported
 7 burglary at her residence, and by omission and concealment of Antoine Fowler's habitation at her
 8 residence, and did not as soon as possible make known the same to some judge or other person in civil
 9 or military authority under the United States.

10 All in violation of Title 18, United States Code, Section 4.

11 FORFEITURE ALLEGATION: (18 U.S.C. §§ 924(d)(1), 981(a)(1)(C), and 28 U.S.C. § 2461(c))

12 11. The factual allegations contained in Counts One and Two are re-alleged and incorporated
 13 as if fully set forth herein for the purpose of alleging forfeiture pursuant to the provisions of 18 U.S.C.
 14 § 981(a)(1)(C) and 28 U.S.C. § 2461(c).

15 12. Upon a conviction of any of the offenses alleged in Counts One and Two, the defendant,
 16 APRIL MYRES,
 17 shall forfeit to the United States all property constituting and derived from proceeds traceable to that
 18 offense, including but not limited to a forfeiture money judgment.

19 13. The factual allegations contained in Counts Three and Four are re-alleged and
 20 incorporated as if fully set forth herein for the purpose of alleging forfeiture pursuant to the provisions
 21 of 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461.

22 14. Upon a conviction of any of the offenses alleged in Counts Three and Four, the
 23 defendants,

24 ANTOINE FOWLER, and
 25 APRIL MYRES

26 shall forfeit to the United States any firearm or ammunition involved in or used in any knowing
 27 violation of said offense, including but not limited to the following property: one Glock 17 9mm pistol,
 28 bearing serial number BMP254US.

15. If any of the property described above, as a result of any act or omission of the defendant:

- (i) cannot be located upon the exercise of due diligence;
- (ii) has been transferred or sold to, or deposited with, a third party;
- (iii) has been placed beyond the jurisdiction of the court;
- (iv) has been substantially diminished in value; or
- (v) has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p).

All pursuant to 18 U.S.C. §§ 924(d)(1), 981(a)(1)(C), and 28 U.S.C. § 2461(c) and Federal Rule of Criminal Procedure 32.2.


DATED:

4/11/17

A TRUE BILL.


FOREPERSON

BRIAN J. STRETCH
United States Attorney


BARBARA J. VALLIERE
Chief, Criminal Division

(Approved as to form: 
JEFFREY SHIH
Assistant United States Attorney